

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA

Case No. 7:21-MJ-166

v.

Filed Under Seal

JERALD FRANCIS GRAY

**AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT AND ARREST WARRANT**

1. I, Lynne A. Witt, having been duly sworn, depose and state as follows:

INTRODUCTION

2. I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7), Title 18 of the United States Code, and am empowered by law to conduct investigations and to make arrests of Title 18 offenses.
3. I am a Special Agent with the Federal Bureau of Investigation (FBI), Richmond Division, assigned to the Roanoke Resident Agency (RRA) located in Roanoke, Virginia. I have been employed as a Special Agent with the FBI since May 2009. Prior to working in the RRA, I was assigned to the Charlottesville Resident Agency (CRA) located in Charlottesville, Virginia. I have received training at the FBI’s Quantico training facility. Further, I have experience and training in a variety of investigative and legal matters, including the topics of lawful arrests, the drafting of affidavits, and probable cause. I have participated in numerous federal, criminal investigations, and am currently investigating various federal criminal violations, including those outlined in this affidavit.
4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from witnesses and other law enforcement officers. This affidavit is intended to show simply that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. Based on the facts as set forth in this affidavit, there is probable cause to believe that a violation of Title 18, United States Code, Section 2252(a)(4) (Possession of Child Pornography) has been committed by Jerald Francis Gray.

STATEMENT OF PROBABLE CAUSE

6. Law Enforcement obtained information that caused them to believe a person utilizing IP address 216.98.95.172 was using a peer to peer file sharing network to request from peers and download files that depicted child pornography.
7. Further investigation into IP address 216.98.95.172 for specific dates and times relevant to the investigation identified the Internet Service Provider as Lumos Networks. Information provided pursuant to an Administrative Subpoena to Lumos Networks identified the subscriber on the relevant dates as Jerald Gray with an address of 610 E Cedar Street, Covington, Virginia 24426.
8. A check with the Department of Motor Vehicles on or about November 9, 2021, revealed that Jerald Francis Gray resided at 610 E. Cedar Street, Covington, Virginia 24426.
9. On December 8, 2021, a federal search warrant issued in the Western District of Virginia was executed at the residence of 610 East Cedar Street, Covington, Virginia 24426. The search was related to violations of 18 U.S.C. § 2252A (Receipt, Distribution and Possession of Child Pornography, and Access with intent to View Child Pornography).
10. During the search of the residence, a Dell desktop computer was located in the back left bedroom of the residence. The computer system had dual monitors. Special Agents with the Federal Bureau of Investigation that are certified CART (Computer Analysis Response Team) examiners, observed a folder located on the C: drive of the Dell desktop computer labeled with the name of the peer to peer file sharing network law enforcement had reason to believe was being used to download child pornography. Inside this folder was a folder called downloads. In this folder were approximately 60 files, many with names indicative of child sexual abuse material (CSAM). The following are a few examples of the file names observed:
 - a. Linda Full.mpg
 - b. (pthc) NEW 2016 Pedo Childlover 8yo Daddy%27s Little Girl JM 06.mp4
 - c. Pthc 2009 Kristin 24.avi
 - d. Kimmy-with-a-little-boy.mp4
 - e. Pthc-new-2019_Flower Knowledge By KK-preview.mp4
11. Your affiant was provided a working copy of the downloads folder. Your affiant has viewed the file named "Linda Full.mpg". The video is approximately 9 minutes and 3 seconds in length. The video depicts a naked female minor and the naked lower half of what appears to be an adult male body, to include male genitals. The minor female appears

to be prepubescent. During the video, the female minor licks and sucks on the male penis from various angles and positions. The male ejaculates in the minor female's mouth and then swallows the ejaculate.

12. On December 8, 2021, Jerald Gray participated in a voluntary interview with your affiant and two other Law Enforcement Officers. During the interview, Gray made the following statements:

- a. Gray confirmed his internet provider was Lumos.
- b. Gray identified his bedroom as the one on the back left corner with the computer with the two monitors. Gray is the primary user of this computer.
- c. Gray admitted to downloading images and videos of children in sexual activities through the peer to peer file sharing network that has been previously referred to.
- d. Gray believed the videos would be on his computer, likely in a download folder in the file sharing program.
- e. Some of the videos Gray selects have a title with the age of the child in the name.
- f. Gray estimated he downloaded a couple or a few dozen videos.
- g. Gray estimated he was last on the file sharing network a couple of months ago.
- h. Gray is interested in watching young teen girls. Sometimes videos involving younger children are downloaded.

CONCLUSION

13. Based on the aforementioned factual information and my training and experience in criminal investigations, I submit that probable cause exists to conclude that on or about December 8, 2021 Jerald Gray did knowingly possess one or more film and visual depiction that had been shipped or transported using any means or facility of interstate commerce and the producing of such visual depictions involved the use of a minor engaging in sexually explicit conduct and the visual depictions was of such conduct, in violation of 18 U.S.C. § Section 2252(a)(4) (Possession of Child Pornography)

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on December 16, 2021, at Roanoke, Virginia.

/s Lynne A. Witt

Lynne A. Witt

Special Agent

Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME

THIS 16th DAY OF DECEMBER 2021

Robert S. Ballou

U.S. MAGISTRATE ROBERT S. BALLOU

UNITED STATES DISTRICT COURT IN THE

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